THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO.10284 of 2006

24th May 2006

Between:

S.Azeem, S/o.S.Maboo Saab, 35 years, R/O.D.No.13/353, P.K.T.Street, Dharmavaram Mandal, Anantapur District.

...PETITIONER

AND

1. The Commissioner for Prohibition and Excise, Government of Andhra Pradesh at Hyderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO.10284 of 2006

ORDER:

The petitioner is the owner of the vehicle bearing No.AP-02-W-0591, which was purchased on 27.09.2005 on hire purchase. While the vehicle was on transit on 08.02.2006 transporting 3,380 arrack sachets in 13 wooden boxes, the vehicle was seized. When the vehicle was sought to be released, the Deputy Commissioner of Prohibition and Excise, Anantapur/second respondent directed to release the vehicle as per the order dated 16.02.2006 by furnishing bank guarantee for a sum of Rs.4,02,000/- (Rupees four lakh two thousand only).

The learned counsel for the petitioner submitted that the condition imposed by the second respondent is onerous as the amount due to the financier is Rs.5,81,040/- (Rupees five lakh eighty one thousand and forty only) as could be seen from the statement of transaction issued by Sundaram Finance, the hire purchaser.

Heard the learned counsel for the petitioner and the Standing Counsel for the respondents.

Considering the value of the vehicle and the amount due by the petitioner to the financier, I feel that the condition imposed by the second respondent is onerous.

Accordingly, the Writ Petition is disposed of directing the second respondent to release the said vehicle to the petitioner on his furnishing bank guarantee for Rs.2,00,000/- (Rupees two lakh only) and third party security for Rs.2,02,000/- (Rupees two lakh two thousand only). No costs.

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(D.APPA RAO, J)

24th May 2006

RRB

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